



12/6/05

MESSAGES FROM THE HOUSE

SB 34 (Jacobs)

SB 34 would allow municipalities (cities, townships, villages) to establish corridor improvement authorities for the purpose of encouraging redevelopment of commercial areas that have worn down and are in need of financial rescue.

- The Senate concurred with the House changes to SB 34 with IE [RC 645: 36 yes, 0 no].

SB 648 (Basham)

Senate Bill 648 would: 1) Rename the Law Enforcement Information Network (LEIN) to the Policy Council the Criminal Justice Information Systems Policy Council, 2) Expand the council's membership. 3) Require the council to establish policy and promulgate rules governing information in criminal justice information systems, and advise the Governor on related issues.

- The Senate concurred with the House changes to SB 648 with IE [RC 644: 35 yes, 0 no].

FINAL PASSAGE

SB 203 (Johnson)

Senate Bill 203 is intended to continue an existing tax break provided to Delphi Corp, which provides that sales made by Delphi to GM do not give rise to a tax liability for such sales. The bill provides a four-year extension on the current exemption. To qualify for the exemption, the corporation must either: Retain 80% of its jobs and invest \$200 million in Michigan during the four years; or Invest \$400 million in Michigan during the four years; or Invest \$1.3 billion anywhere during the entire 11-year period after the spin-off. The “jobs” referred to include strikers and laid-off workers. It also includes workers transferred to GM or other “related entities.”

- Committee (S-1) was adopted.
- SB 203 was moved to 3rd Reading of Bills
- SB 203 passed with IE [RC 646: 37 yes, 0 no].

SB 208 (Toy)

SB 208 would allow a municipality to seek reimbursement from any person who is or was a convicted inmate in the municipal jail or in county jail, within a county that has a population of 1 million or more, for expenses incurred by the municipality in relation to the incarceration of that person.

- *Committee 1 (S-1) was adopted.*
- *SB 208 was moved to 3rd reading of Bills.*
- **SB 208 passed [RC 649: 37 yes, 0 no].**

SB 906 (Garcia)

Senate Bill 906 would amend the State Administrative Board, to specify that the Board would have the powers granted and would have to perform the duties imposed under Chapter 8a of the Michigan Strategic Fund Act. The bill would require the Board to hire, support, and supervise the chief compliance officer described in Chapter 8a and review all reports submitted to it by the chief compliance officer.

- **Garcia 1 (S-1) was adopted.**
- **SB 906 was moved to 3rd Reading of Bills**
- **SB 906 passed [RC 648: 34 yes, 3 no].**

SB 909 (Hardiman)

SB 910 (Toy)

Part of the Republican SBT package done in response to the Governor's partial veto of the previous SBT "deal." There are two Senate bills and four House bills in the package, plus a related bill (SB 203) to renew Delphi's current SBT exemption for sales to GM. Essentially, this package replicates the 15% personal (business machinery) property tax credit from the previous package. The credit would continue as a 10% credit after 12/31/2009 (assuming the SBT survives, as this is an SBT credit against personal property taxes).

SB 909: Provides 15% refundable credit for calendar year 2007

- **Committee (S-1) was adopted.**
- **THOMAS 1 (S-2) was defeated.**
- **JACOBS 2 (S-1) was defeated [RC 653: 13 yes, 23 no].**
- **EMERSON 3 (S-1) was defeated [RC 654: 14 yes, 23 no]. Tie-bar to Cassis' EITC bill.**
- **BASHAM 4 (S-1) was defeated [RC 655: 15 yes, 22 no]. Tie-bar to Basham bill to raise the minimum wage.**
- **BASHAM 5 (S-1) was defeated [RC 656: 15 yes, 22 no]. Tie-bar to Basham bill to extend unemployment benefits.**
- **SB 909 was moved to 3rd reading of Bills**
- **SB 909 passed with IE [RC 657: 36 yes, 1 no].**

SB 910: Provides a 100% credit for transferred jobs for 2007/8 tax year

- **Committee (S-1) was adopted.**
- **SB 910 was moved to 3rd reading of Bills**
- **SB 910 passed with IE [RC 647: 36 yes, 1 no].**

HB 4577 (Law)

House Bill 4577 would allow any person to bring a civil action on the state's behalf to recover losses due to Medicaid fraud. The Attorney General could later decide to take primary responsibility for the action. This bill would also provide "whistleblower" protections and allow successful plaintiffs to retain a percentage of monetary proceeds resulting from the action.

- *Committee 1 (S-1) was adopted.*
- *Cropsey 1A (1 amend) was adopted.*
- *HB 4577 was moved to 3rd reading of Bills.*
- **HB 4577 passed with IE [RC 660: 37 yes, 0 no].**

HB 5268 (Meyer)

HB 5269 (Nofs)

TORTURE PROHIBITION

House Bill 5268 would amend the Michigan Penal Code to specify that a person who inflicted great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control, with the intent to cause cruel or extreme physical or mental pain and suffering, would be guilty of torture. The felony would be punishable by imprisonment for life or any term of years. Proof that a victim suffered pain would not be an element of the crime. A conviction or sentence under the bill would not preclude a conviction or sentence for a violation of any other law arising from the same transaction. Under the bill, "great bodily injury" would mean either "serious impairment of a body function", as defined in the Michigan Vehicle Code, or one or more of the following conditions: internal injury, poisoning, serious burns or scalding, severe cuts, or multiple puncture wounds.

- *Committee 1 (S-1) was adopted.*
- *HB 5268 was moved to 3rd reading of Bills.*
- **HB 5268 passed with IE [RC 658: 37 yes, 0 no].**

House Bill 5269 would amend the Code of Criminal Procedure to add the felony of torture to the sentencing guidelines. Torture would be a Class A felony against a person, with a statutory maximum sentence of imprisonment for life.

- *HB 5269 was moved to 3rd reading of Bills. No amendments.*
- **HB 5269 passed with IE [RC 659: 37 yes, 0 no].**

HB 5275 (Newell)

HB 5276 (Nofs)

HB 5277 (Condino)

House Bill 5275 would amend the L.E.I.N. Policy Council Act to replace the Law Enforcement Information Network (LEIN) Policy Council with the Criminal Justice Information System (CJIS) Policy Council, which would have an expanded membership. The bill would require the council to exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of State Police. The council's budgeting, procurement, and related management functions, however, would have to be performed under the Director's direction and supervision. In addition, the executive secretary of the council would have to be appointed by the Director, subject to the council's approval

- *HB 5275 was moved to 3rd reading of Bills. No Amendments.*
- **HB 5275 passed with IE [RC 650: 37 yes, 0 no].**

House Bill 5276 would amend the fingerprinting law to specify that all criminal history information that was associated with a State identification number and was supported by fingerprint impressions or images would have to be disseminated in response to a fingerprint-based or name-based search of the criminal history record database. This provision, however, would not require the dissemination of criminal history information that was nonpublic or was prohibited by law from being disseminated.

- *HB 5276 was moved to 3rd reading of Bills. No Amendments.*
- **HB 5276 passed with IE [RC 651: 26 yes, 11 no].**

House Bill 5277 would amend the L.E.I.N. Policy Council Act to do all of the following: Require the council to establish policy and promulgate rules governing information in criminal justice information systems. Require the council to advise the Governor on issues concerning criminal justice information systems. Prohibit a person from gaining access to, using, or disclosing nonpublic information governed under the Act for personal use or gain (which would replace the current prohibition against disclosing LEIN information to a private entity for any purpose); and apply the criminal penalties only to intentional violations. Prohibit the disclosure of Automated Fingerprint Identification System (AFIS) and other criminal justice system information (as well as LEIN information) in an unauthorized manner. Allow the Attorney General, a prosecuting attorney, or the court to disclose to a defendant or defense counsel information pertaining to that defendant that was obtained from LEIN.

- *HB 5277 was moved to 3rd reading of Bills. No Amendments.*
- **HB 5277 passed with IE [RC 652: 37 yes, 0 no].**

THIRD READING

HB 4798 (Van Regenmorter)

House Bill 4798 would amend the Crime Victims Rights Act to impose fines when a person is charged with a felony or relevant misdemeanor that is resolved by conviction, by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. The amount of the assessments would remain the same.

- **HB 4798 was moved to 3rd reading of Bills. No amendments.**

HB 5023 (Hildenbrand)

House Bill 5023 would provide that if a defendant entered a plea of guilty or no contest or if the court determined after a hearing or trial that the defendant were guilty, both of the following would apply at the time of the sentencing or, as allowed by statute, at the time entry of judgment of guilt was deferred or sentencing delayed: The court would have to impose the minimum state costs. The court could impose any fine; any cost in addition to the minimum state cost; the expenses of providing legal assistance to the defendant; and/or any assessment authorized by law, including a reimbursement.

- **HB 5023 was moved to 3rd reading of Bills. No amendments.**